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Docket No.: 3170/00/US

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Bunch et al.) Group Art Unit: 1635
Serial No. 09/490,609) Examiner: K. Lacourciere
Filed: January 25, 2000) Date: May 24, 2001

Title: BIOMARKERS AND ASSAYS OF CARCINOGENESIS

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks,
Washington D.C., 20231 on May 24, 2001
Rachel A. Polster
Registration No. 47,004

Rachel A. Polster Date: May 24, 2001

RESPONSE TO RESTRICTION REQUIREMENT
and AMENDMENT UNDER 37 C.F.R. § 1.111

Asst. Commissioner of Patents
Washington, D.C.

Sir:

This is in response to the Office Action mailed April 24, 2001, having a shortened statutory period of 1 month, expiring May 24, 2001.

In the present Office Action, Applicants were requested to elect one of four inventions for examination. The groups were described as:

- I. Claims 1-18, 29 and 30, drawn to a nucleic acid, classified in class 536, subclass 23.1.

- II. Claims 19-21 and 23, drawn to a polypeptide, classified in class 530, subclass 300.
- III. Claims 22 and 24, drawn to a method of measuring the carcinogenicity of a compound based on polypeptide levels, classified in class 435, subclass 7.1.
- IV. Claims 25-28 and 31-33, drawn to a method of determining the level or pattern of a carcinogenesis marker, classified in class 435, subclass 6.

Additionally, Applicants were to confirm the species election of SEQ ID NO: 280, 317, 337, 384, 465, 488 made in a telephone conversation with the Examiner on 04-05-01. The Applicants hereby confirm the species election of SEQ ID NO: 280, 317, 337, 384, 465, and 488.

Applicants elect as the single method for examination Group IV, Claims 25-28 and 31-33, drawn to a method of determining the level or pattern of a carcinogenesis marker. Applicants make this election with traverse.

The basis of the traverse is that it is believed that Groups I-IV all relate to biomarkers of carcinogenesis. Further, the method of Group III and Group IV both function to measure carcinogenicity, and therefore prior art searching of these methods would not be an undue burden.

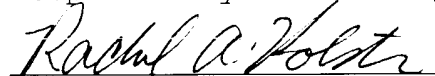
If the restriction requirement is made final, applicants reserve the right to continue prosecution of non-elected inventions of Groups I-III and the non-

elected polynucleotide sequences in one or more
continuing applications.

If the Examiner believes a telephonic interview with
Applicants' representative would aid in the prosecution of
this application, she is cordially invited to contact
Applicants' representative at the below listed number.

Date: May 24, 2001

Respectfully submitted,



Rachel A. Polster

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